

Fiscal Estimate - 2009 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 09-0049/1		Introduction Number AB-0070	
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority			
Fiscal Effect			
State:			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input checked="" type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
DA/ Phil Werner (608) 267-2700		Phil Werner (608) 267-2700	2/25/2009

Fiscal Estimate Narratives

DA 2/25/2009

LRB Number	09-0049/1	Introduction Number	AB-0070	Estimate Type	Original
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

If this bill were to be enacted, it is not expected that it would generate such a significant number of cases as to have a fiscal effect.

Long-Range Fiscal Implications

A long-range fiscal impact is not expected if this bill were to be enacted.

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Fiscal Effect State: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 35%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 65%;"> 5. Types of Local Government Units Affected <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 30%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 35%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 50%;"> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div style="width: 45%;"> Affected Ch. 20 Appropriations </div> </div>		
Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463	Date 3/5/2009

Fiscal Estimate Narratives

DOJ 3/5/2009

LRB Number	09-0049/1	Introduction Number	AB-0070	Estimate Type	Original
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Wisconsin Statute 175.35 requires that all Wisconsin firearms dealers licensed by the Bureau of Alcohol, Tobacco and Firearms conduct a mandatory background check on any person requesting to purchase a handgun. Firearm dealers call the Department of Justice's Handgun Hotline to determine whether a person is eligible to possess a firearm under state law.

2009 Assembly Bill 70 provides that, under certain circumstances, if a court orders commitment of a person under Chapter 51, appoints a guardian of a person under Chapter 54, or orders protective services or protective placement of a person under Chapter 55, and the court determines the person is prohibited from possessing a firearm under federal law, the court clerk shall notify DOJ of the prohibition. AB 70 further requires DOJ to check whether a person has been the subject of a court order or finding that is based on a determination that the person's mental health would render the person ineligible to possess a firearm under federal law. Finally, AB 70 requires DOJ to convey information in a timely manner to the National Instant Criminal Background Check System (NICS) regarding individuals ordered not to possess a firearm and regarding the cancellation of such orders.

It is DOJ's understanding that the Circuit Court Automation Programs (CCAP) case management system currently tracks the cases covered by AB 70. The Department has an existing interface with CCAP that allows DOJ's Crime Information Bureau (CIB) access to court records. However, to be able to accept the court information ordered sent to DOJ under AB 70, DOJ will have to make certain modifications to the existing CCAP interface and data files in CIB. In addition, while DOJ also has an existing interface with NICS, to be able to convey the court information ordered sent to NICS, DOJ will have to make certain modifications to the existing NICS interface and data files in CIB as well. The department estimates a one-time cost of approximately \$90,000 for system analysis, design, programming and testing.

It should be noted, last year President Bush signed into law H.R. 2640, regarding criminal background checks for firearms purchases. The law authorizes financial incentives to states to increase their level of reporting of firearm purchase disqualifying information, including mental health data, to NICS. It is possible Wisconsin could receive federal funds to cover the costs associated with implementing the provisions of AB 70. However, there is uncertainty as to if/when any federal dollars would be realized or whether DOJ could secure grant money to offset already incurred costs under AB 70.

Long-Range Fiscal Implications

Fiscal Estimate - 2009 Session

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Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate </div> <div style="width: 33%;"> <div style="display: flex;"> <div style="width: 50%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 50%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> <div style="display: flex;"> <div style="width: 50%;"> 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 50%;"> 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463
Date 2/12/2010	

Fiscal Estimate Narratives

DOJ 2/12/2010

LRB Number	09-0049/1	Introduction Number	AB-0070	Estimate Type	Updated
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This fiscal estimate anticipates DOJ being able to absorb these additional costs because last month the Office of Justice Assistance (OJA) confirmed with DOJ that OJA has received a 2009 federal National Criminal History Improvement Program (NCHIPS) grant which can be used to pay for the improvements that would be required under AB 70. OJA explained that the portion of the grant intended for these purposes is sufficient to cover DOJ's estimated costs for implementing the provisions of AB 70.

Long-Range Fiscal Implications

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<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572
Date 2/25/2009	

Fiscal Estimate Narratives

SPD 2/25/2009

LRB Number	09-0049/1	Introduction Number	AB-0070	Estimate Type	Original
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. However, it would amend chapter 51, regarding mental-commitment proceedings, and chapter 55, regarding protective-services cases. The SPD provides representation in these proceedings. It does not appear that the bill would increase the number of chapter 51 proceedings in which the SPD would appoint counsel (this interpretation is based on the assumption that the courts would not interpret section 51.60 or section 55.105, Stats., to provide a right to SPD representation in a petition to restore the right to possess a firearm under federal law). Therefore, the SPD does not anticipate any increase in its caseload as a result of this proposal.

The bill amends the court's responsibilities and options in chapter 51 and 55 hearings regarding orders prohibiting possession of a firearm. These amendments could add attorney time in certain cases, which would then increase SPD costs. However, the SPD does not anticipate that a substantial number of cases would be affected.

Long-Range Fiscal Implications